

JUN 26 2017

JAMES N. HATTEN, Clerk

*[Signature]* Deputy Clerk

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

Curtis Brown.

Plaintiff,

VS.

Benchmark Rehab Partners, Atlanta Outpatient  
Surgery Center, Virginia Mollohan, PT and  
Dominion Orthopedic Clinic, LLC.  
Defendants.

CIVIL ACTION  
FILE NO. \_\_\_\_\_

**1:17-CV-2381**

**COMPLAINT FOR DAMAGES**

COMES NOW Curtis Brown, plaintiff in the above-styled civil action, and states his complaint for damages against defendants Benchmark Rehab Partners, Atlanta Outpatient, Surgery Center, Virginia Mollohan, PT and Dominion Orthopedic Clinic, LLC., and shows as follows.

PRELIMINARY  
STATEMENT

The plaintiff Curtis Brown, brings this action against all defendants to redress state and federal law violations and deprivation under color of law of Curtis Brown's rights, privileges, and immunities secured by the laws of this State and by the Constitution of the United States. Plaintiff seeks damages to redress and remedy the negligent and wrongful actions and/or omissions that resulted in the injuries sustained by Curtis Brown on June 24, 2015. Plaintiff invokes the concurrent jurisdiction of this Court to hear and decide the federal law claims. Finally, plaintiff seeks an award of attorney's fees and costs. Plaintiff has properly served notice on defendants Benchmark Rehab Partners, Atlanta Outpatient, Surgery Center, Virginia Mollohan, PT and Dominion Orthopedic Clinic, LLC. By and through their registered agents, of his claims and a certified copy of this present action.

JURISDICTION AND VENUE

1.

This action is brought pursuant to the laws of the State of Georgia which vests subject matter jurisdiction of this cause of action in this Court to redress bodily and personal injury and the pain and suffering of plaintiff Curtis Brown and other damages resulting therefrom, and the deprivation and violations of the Constitution of the United States, said deprivation and violations having occurred within the jurisdiction of this Honorable Court.

2.

All of the actions, omissions, and events complained of herein occurred in the, State of Georgia, and within the venue of this Court.

PARTIES

3.

Plaintiff Curtis Brown is a citizen of the United States and resides in the State of Georgia residing at 2307 Aurie Drive Decatur, Georgia 30034-2906.

4.

Defendant Benchmark Rehab Partners, LLC is located in the State of Georgia, organized under the laws of Georgia, and subject to the jurisdiction and venue of this Court. Service of the complaint and summons may be made upon defendant Benchmark Rehab Partners by service upon their Registered Agent, at Cogency Global Inc. 900 Old Roswell Lakes Parkway, Suite 310, Fulton County, Roswell, Georgia 30076-8663 and its agents or employees, including but not limited to the named individual defendant herein, under and pursuant to the doctrine of respondeat superior.

5.

Defendant Virginia Mollohan, PT is and was at all times relevant hereto employed by Benchmark Rehab Partners, LLC. As such, She is and was responsible by law for Negligently or wrongfully failing to provide the standard of care required to adhere to the laws

of the State of Georgia and the United States Constitution. Defendant Virginia Mollohan, PT is sued individually, is subject to the jurisdiction and venue of this Court, and may be served the complaint and summons at her last known residence of 2614 Drew Valley Road, N E, DeKalb County, Brookhaven, Georgia 30319-3928.

6.

Defendant Atlanta Outpatient Surgery Center, LLC is located in the State of Georgia, organized under the laws of Georgia, and subject to the jurisdiction and venue of this Court. Service of the complaint and summons may be made upon defendant Atlanta Outpatient Surgery Center, LLC by service upon their Registered Agent, at Corporation Process Company 289 South Culver Street, Gwinnett County, Lawrenceville, Georgia 30046-4805 and its agents or employees, including but not limited to the named individual defendant herein, under and pursuant to the doctrine of respondeat superior.

7.

Defendant Dominion Orthopedic Clinic, LLC is located in the State of Georgia, organized under the laws of Georgia, and subject to the jurisdiction and venue of this Court. Service of the complaint and summons may be made upon defendant Dominion Orthopedic Clinic, LLC by service upon their Registered Agent, at General W. Carson, Jr. 312 Cronkite Drive, Henry County, McDonough, Georgia 30252-4057 and its agents or employees, including but not limited to the named individual defendant herein, under and pursuant to the doctrine of respondeat superior.

8.

At all times relevant hereto and in all of their actions described herein, each defendant is and was acting under color of law, state authority, statute, custom. Or usage, and pursuant to their professional capacities.

FACTS GIVING RISE TO THE  
CLAIM

9.

Plaintiff incorporates by reference each and every allegation contained in paragraphs 1 through 8 of this complaint as if fully restated herein.

10.

On or about June 11, 2015, plaintiff Curtis Brown was referred to Benchmark Rehab Partners by Dominion Orthopedic for Physical Therapy.

11.

On or about June 24, 2015, Physical Therapist, Virginia Mollohan administered “Dry Needling” to the plaintiff’s person, specifically on his back and lower extremities.

12.

Curtis Brown repeatedly contested the use the dry needling technique used by Virginia Mohallon, PT.

13.

Curtis Brown returned to Dominion Orthopedic with complaints of exacerbated, increased and unbearable pain and discomfort immediately after receiving the “Dry Needling Technique”

14.

Dominion Orthopedic prescribed additional Physical therapy with the expressed instruction not to use any further Dry Needling.

15.

After receiving the dry needling, plaintiff sought further relief from Atlanta Outpatient Surgery who administered 2 epidurals with no relief and increased pain.

16.

The medical staff, facilities, and/or procedures of Dominion Orthopedic, Virginia Mollohan, Benchmark Rehab Partners, LLC and Atlanta Outpatient Surgery were grossly inadequate, negligent, reckless and outside of the scope of their licenses practice areas, thereby endangering the health and further exacerbating the original injuries for which Curtis Brown Sought initial treatment.

17.

The conduct of the Dominion Orthopedic, Virginia Mollohan, Benchmark Rehab Partners, LLC and Atlanta Outpatient Surgery, employees, and agents, including, but not limited to, Virginia Mollohan, in failing to provide the appropriate standard of medical care and administering the “Dry Needling” without the proper prescription or expressed instruction from Curtis Browns referring physician, or proper medical training and licensure to preform this invasive procedure. Curtis Brown’s medical treatment and administration of Dry Needling amounted to deliberate indifference to the specific prescription to treat the serious medical needs of Curtis Brown.

18.

These failures on the part of Dominion Orthopedic, Virginia Mollohan, Benchmark Rehab Partners, LLC and Atlanta Outpatient Surgery, employees and agents, including, but not limited to, include failure to properly administered, negligently and unnecessarily the appropriate standard of care prescribed by Curtis Brown Treating physicians and authorized by their licenses within their respect scope and field of practice.;

19.

As a result of the actions of Dominion Orthopedic, Virginia Mollohan, Benchmark Rehab Partners, LLC and Atlanta Outpatient Surgery, Curtis Brown suffered additional personal injuries, severe pain and suffering as a result of the experience.

20.

All of the special damages in this case, as well as his pain and suffering both present, past and future pain and suffering, could have been avoided if only Dominion Orthopedic, Virginia Mollohan, Benchmark Rehab Partners, LLC and Atlanta Outpatient Surgery provided reasonable and necessary medical treatment and medicine relating to Curtis Browns Injuries, which they are required to do by specific Georgia statute and pursuant to their medical professional capacity and the law imposing a heightened standard of care duty of medical professionals and pursuant to constitutional provisions.

21.

Plaintiff Curtis Brown states his intention and desire to bring each and every permissible, proper and authorized claim for damages under Georgia law and federal law against defendants Dominion Orthopedic, Virginia Mollohan, Benchmark Rehab Partners, LLC and Atlanta Outpatient Surgery.

22.

Such damages include, but are not limited to, general, special, compensatory, consequential, economic, and punitive and other damages permitted under Georgia or other applicable law including damages for the full value of the injuries suffered as a result of the Defendants actions.

### **CLAIMS COUNT I**

23.

Plaintiff incorporates by reference each and every allegation contained in paragraphs 1 through 22 of this complaint as if fully restated herein.

24.

Each individual defendant breached duties of medical care owed to the plaintiff by virtue of the law and, as a result of such breach, caused the injuries of Curtis Brown

25.

Plaintiff is entitled to recover damages for defendants' breach of the duty of standard of care to provide medical treatment to Curtis Brown

**COUNT**  
**II**

26.

Plaintiff incorporates by reference each and every allegation contained in paragraphs 1 through 25 of this complaint as if fully restated herein.

27.

As a direct and proximate result of the defendants' actions and/or omissions, plaintiff Curtis Brown suffered continuous and severe physical, mental, and emotional injuries, including, but not limited to, pain and suffering.

**DAMAGES**

28.

The actions of each of the defendants proximately caused or contributed to the conscious pain and suffering of plaintiff Curtis Brown while he was under their care.

29.

The actions of the defendants were willful and wanton and reckless and in conscious indifference to the consequences of their actions such that an award of punitive damages is authorized on plaintiffs' claims.

**WHEREFORE**, plaintiff requests:

- (a) That service of a copy of the summons and complaint be had upon defendants;
- (b) That plaintiff be awarded a judgment against defendants for special damages in an amount to be proven at trial and compensatory and general damages to be determined by a jury of plaintiff's peers, all in an amount in excess of

Two Hundred and fifty Thousand Dollars (\$250,000.00);

- (c) That plaintiff be awarded a judgment against defendants for punitive damages in an amount to be shown at trial;
- (d) That plaintiff be awarded the costs of any and all attorney's fees of this action;
- (e) That plaintiff be granted a trial by jury; and
- (f) That all other damages and relief available to plaintiff by law be awarded.

Respectfully submitted this 26 day of June, 2017.

**CURTIS BROWN**

Curtis Brown

Curtis Brown

Pros Se Plaintiff



**CURTIS BROWN**

2307 Aurie Drive

Decatur, GA 30034-2906

(678) 702-2501

(Email)



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**CERTIFICATE OF SERVICE**

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I hereby certify that I have this day served all counsel of record to this action with a copy of the within and forgoing *Complaint for Damages* by depositing a true copy of the same in the United States Mail and email in an appropriately addresses envelope with adequate postage prepaid, to the following:

Benchmark Rehab Partners,	Atlanta Outpatient Surgery Center
Virginia Mollohan, PT	Dominion Orthopedic Clinic, LLC.

Respectfully submitted this 26 day of June, 2017.

**CURTIS BROWN**

Curtis Brown  
Curtis Brown  
Pros Se Plaintiff

*Curtis Brown*

**CURTIS BROWN**

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